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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 ELIZON MASTER PARTICIPATION  
8 TRUST I, et al.,

9 Plaintiff(s),

10 v.

11 SATICOY BAY LLC SERIES 8920  
12 EL DIABLO, et al.,

13 Defendant(s).

Case No. 2:16-CV-751 JCM (VCF)

ORDER

14 Presently before the court is plaintiff Elizon Master Participation Trust I, U.S. Bank Trust  
15 National Association, as Owner Trustee's ("Elizon") motion for relief pursuant to Federal Rule of  
16 Civil Procedure 60(b)(1). (ECF No. 47). No timely response has been filed. (ECF No. 48).

17 This court's March 16, 2017, order dismissed plaintiff's unjust enrichment, wrongful  
18 foreclosure, negligence, and negligence *per se* claims as unexhausted because there was no  
19 indication on the record that the Nevada Real Estate Division's ("NRED") mandatory mediation  
20 had been completed. *See* Nev. Rev. Stat. §§ 38.310, 38.330; *see also* (ECF No. 45).

21 Elizon now submits that mediation was completed on December 20, 2016, providing three  
22 exhibits evincing the same. (ECF No. 47); *see also* (ECF Nos. 47-1-47-3). These exhibits show  
23 that mediation occurred between Elizon, Silverstone Ranch Community Association, and  
24 Hampton & Hampton Collections, LLC.<sup>1</sup> ("H&H"). (ECF Nos. 47-1-47-3). Notably, it appears  
25 that Saticoy Bay LLC Series 8920 El Diablo was also present at the mediation. (ECF No. 47-3);  
26 *see also* LR 7-2(d).

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28 <sup>1</sup> H&H was not present at the mediation hearing, but the mediator indicates that he sent it  
notice of the proceeding. *See* (ECF Nos. 47-2, 47-3).

Therefore, plaintiff's claims for unjust enrichment, wrongful foreclosure, negligence, and negligence *per se* have been administratively exhausted. Thus, this court will grant plaintiff's motion for relief from this court's dismissal of those claims in its March 16, 2017, order. (ECF No. 47).

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion (ECF No. 47) be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that plaintiff's claims for unjust enrichment, wrongful foreclosure, negligence, and negligence *per se* are reinstated as viable claims in the complaint.

DATED May 19, 2017.

James C. Mahan  
UNITED STATES DISTRICT JUDGE